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MINISTRY OF COMMERCE & CONSUMER INDUSTRIES

PUBLIC NOTICES

IMPORT TRADE CONTROL

New Delhi, the 1st November 1956

SUBJECT.—*Submission of applications for import of goods both as an established importer and actual user.*

No. 48-I.T.C.(P.N.)/56.—In para 3 of Chapter II of the Hand Book of Rules and Procedure 1956, it has been provided that only one application in respect of goods falling under the same Serial Number or sub Serial Number as the case may be, should ordinarily be made in a licensing period, unless otherwise specified. In view of this provision an applicant should apply for a licence only under one category i.e. as an established importer, actual user or newcomer.

2. In a case in which an established importer of a commodity is also the manufacturer of a product in the process of the manufacture of which that commodity is required, the established importer *cum* manufacturer is not entitled to claim two licences one in his capacity as an established importer and another in his capacity as an actual user. This rule had been relaxed in the past in a few cases where an applicant was maintaining two distinct departments i.e. manufacturing department and import department. It has now been decided that this relaxation will not be permitted in future.

3. There may also be cases where an established importer of a finished product and/or its components may himself or through his associate concern be engaged in the manufacture of that product and/or components as an actual user. Government of India consider that in such cases continued interest of the actual user and his associate concern/(s) in the import of the item is likely to affect the progress of the indigenous manufacture undertaken by the firm. It has, therefore, been decided that such an actual user and his associate concern/(s) will surrender their quotas for the finished product and/or its components as an established importer, provided that in exceptional cases where the commencement of production is likely to be delayed, they may be allowed to claim their quota licences till the production has actually commenced.

4. For the purpose of the above para, the following will be the criteria for determining that the firms are associates:

- (i) The actual user firm and the established importer firm/(s) are assessed to income-tax jointly i.e. have a common I.V.C. No.

- (ii) The actual user firm and the established importer firm/(s) have separate I.V.C. Nos. but are associated in the manner indicated below:
- (a) The actual user firm is a Limited Company and the Director(s) of the Limited Company has/have interest in the established importer firm/(s) as a proprietor.
  - (b) The actual user firm is a proprietary partnership concern but its proprietor/partner(s) has/have interest in the established importer firm/(s) as proprietor or partners (having major share).

**No. 49-L.T.O.(P.N.)/56.**—According to the provisions contained in para 77 of Section I of the Red Book for July—December 1956 period, the first appeal should be addressed to the Head of the Office which dealt with the application originally.

2. The two Regional licensing authorities i.e. Controller of Imports and Exports, Pondicherry and Controller of Imports and Exports, Vizagapatnam are under the administrative control of the Joint Chief Controller of Imports and Exports, Madras and it has been decided that the first appeal against the decision of the said two licensing authorities should be addressed to the Joint Chief Controller of Imports and Exports, Madras. The second appeal against the decision of the Joint Controller of Imports and Exports, Madras should however continue to be preferred to Chief Controller of Imports (Appeal Wing) *vide* paragraph 77 of Section I of the Red Book.

S. N. BILGRAMI, Jt. Secy.